HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION Nos. 15869, 13731, 9767, 10492, 10793, 10794, 11038, 12285, 12546, 12625, 13108, 13119, 13268, 13630, 14965, 15295, 15945, 16092, 16093, 16328, 16333, 16431 and 16614 of 2007.

DATED: 06-08-2007

Between:

Prof. Garapati Hanumantha Rao

…Petitioners

and

The State of Andhra Pradesh, rep. by its
Principal Secretary,
Higher Education Department,
Hyderabad and others

…Respondents.

HON'BLE SRI JUSTICE N.V.RAMANA

W.P. No. 15869 of 2007 and batch

ORAL ORDER:

This batch of writ petitions are filed by the teaching fraternity of different Universities in the State seeking to declare the inaction of the 1st respondent in implementing the enhanced age of superannuation from 60 to 62 years to the University Teachers working in the respective Universities, keeping in view the letter dated 27-7-1998 addressed by the 2nd respondent to all the Education Secretaries of all the States, and also the letter dated

23-3-2007 addressed by the 2nd respondent to the 3rd respondent, which was communicated by covering letter dated

4-4-2007 by the 3rd respondent to all the Central/Deemed Universities, and issuance of proceedings dated 12-2-2007 by the Vice Chancellor, without considering the existing Rule position and not considering the representations of the petitioners, as illegal and arbitrary, and consequently, to set aside the proceedings dated

12-2-2007 and direct respondents to continue the petitioners in service till the petitioners attains the age of 62 years by considering the representations of the petitioners by following the existing circulars issued by the 2nd and 3rd respondents, and pass such other order or orders as this Hon'ble Court may deem fit and proper.

The learned counsel for the petitioners submitted that the Central Government has taken a policy decision extending the age of superannuation of University Teachers, governed by UGC scales, from 60 to 62 years, and the action of the University in not extending their age

of superannuation from 60 to 62 years is illegal and arbitrary. Referring to the averments made by the respondents in the counter-affidavit, he submitted that so far the State Government has not taken any decision as to whether the benefit of enhanced age of superannuation from 60 to 62 years can be extended to the teaching staff of the Universities, and in fact, requested the Universities to furnish the details of retirements and express their opinion whether the said benefit should be extended or not, and the Universities are yet to express their views, and unless the Universities express their views, the Government cannot take any decision in the matter.

The respondents having received the notice, filed counter-affidavit *inter alia* contending that the issue raised in all these writ petitions was already considered by a Division Bench of this Court in W.P. No. 22069 of 1998 and batch, and by order dated
9-2-2001, dismissed the said batch. Aggrieved by the said order, some of the petitioners approached the Supreme Court by way of appeals in Civil Appeal Nos. 6690 of 2003 and batch, and the Supreme Court vide order dated 7-5-2003 dismissed the said appeals. In view of that, these writ petitions are also liable to be dismissed.

Heard the learned counsel for the petitioners, the learned Government Pleader for Higher Education and the learned Standing Counsel for the Universities.

While admitting the writ petitions, this Court granted interim directions directing the respondents to continue the petitioners, and in pursuance of the said interim orders, some of the petitioners are continuing in service beyond the age of 60 years.

The question as to whether the age of superannuation of University Teachers can be extended from 60 to 62 years to the University Teachers or not is a policy decision. The University Grants Commission, which is the apex body for co-ordination and determination of standards in Universities, taking into consideration the shortage of teaching community in the University, felt the need to utilize the services of the existing Teachers of the Universities, and accordingly, enhanced

the age of superannuation of the Teachers working in the Universities from 60 to 62 years. In pursuance thereof, letters were addressed to all Education Secretaries of the State Governments, and though the State Government of Andhra Pradesh, requested the Universities to furnish details of the teachers who are to be retired, it is the case of the respondents that the Universities have not furnished the details, and therefore, the Government has not taken any decision in the matter.

Be that as it may, it is submitted by the learned Government Pleader for Higher Education & the learned Standing Counsel for the respondents-Universities and admitted to by the learned counsel for the petitioners that similar writ petitions in W.P. No. 22069 of 1998 and batch, were dismissed by a Division Bench of this Court vide orders dated 09.02.2001, and the appeals filed against the said judgment in Civil Appeal Nos. 6690 of 2003 and batch, were dismissed by the Supreme Court vide judgment dated 07.05.2003. In view of dismissal of similar writ petitions by the Division Bench, which even received the imprimatur of the Supreme Court, no relief as prayed for by the petitioners can be granted.

The writ petitions, therefore, are liable to be dismissed, and they are accordingly dismissed. However, at this stage, the learned counsel for the petitioner submitted that the petitioners would make appropriate representation to the Government, and the Government may be directed to consider the same. If any such representation is made, the Government is at liberty to consider the said representation in the light of the details that may be furnished by the Universities and the relevant Circulars, and take appropriate decision in the matter. There shall be no order as to costs.

N.V.RAMANA, J

06-08-2007
GRR